

MEMO ENDORSED

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February 4, 2022

VIA ECF

The Honorable Barbara Moses
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

USDC SDNY
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Re: *U.S. Bank National Association v. Triaxx Asset Management LLC et al.*,
Case No. 1:18-cv-04044 (BCM)

Dear Judge Moses:

We represent U.S. Bank National Association, solely in its capacity as trustee (the “Trustee”), as Defendant in the newly filed action (Case No. 1:21-cv-11019) consolidated with the above-referenced action (the “Action”). With the parties having executed and filed a Notice, Consent, and Reference of a Civil Action to a Magistrate Judge earlier today (Dkt. No. 408), I write pursuant to Local Rule 7.1(d) and 2(a) and (f) of the Court’s Individual Practices regarding the briefing schedule for the Trustee’s forthcoming motion to dismiss. The parties have met and conferred and reached agreement on the following schedule, which they respectfully request that the Court so-order:

- Moving Brief: April 8, 2022
- Opposition Brief: May 18, 2022
- Reply Brief: June 3, 2022

This schedule reflects a ten (10) day extension to the Trustee’s current March 29, 2022 response deadline, which is sixty (60) days from the date of the Trustee’s executed waiver of service pursuant to Rule 4 of the Federal Rules of Civil Procedure. As part of the agreement that was reached on the briefing schedule, Plaintiff has consented to this extension.

There have been no previous requests for an extension. We are available at the Court’s convenience should Your Honor require any additional information.

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Respectfully submitted,



Alexander S. Lorenzo

cc: Counsel of Record (via ECF)

The Court will conduct a scheduling conference on **February 11, 2022, at 10:30 a.m.** The conference will be conducted using the Court's videoconferencing technology (Microsoft Teams). Members of the public may dial in to the audio-only line: (917) 933-2166, 253507310#. Chambers will email a video link to counsel. At the conference, counsel should be prepared to discuss the following questions:

1. What pleading is the subject of the Trustee's planned motion to dismiss?
2. Whether or not the Complaint recently filed in this action at Dkt. No. 406 is the subject of the planned motion, should that Complaint be severed pursuant to Fed. R. Civ. P. 21 and proceed as a separate action?
3. If the Complaint is severed, does that affect the proposed motion briefing schedule?

SO ORDERED.



Barbara Moses
United States Magistrate Judge
February 9, 2022